

1. Plaintiff Daniel DeWoskin (“Plaintiff”) commenced this lawsuit by filing a Complaint on January 21, 2020, in the State Court. Defendants were served with a Summons and a copy of the Complaint on January 24, 2020 through personal service upon Mr. Darin Toone.

2. Plaintiff asserts claims on behalf of himself and the putative class against Defendants for alleged violation of the federal Telephone Consumer Protection Act (the “TCPA”) (47 U.S.C. § 227). Plaintiff’s two-count complaint purports to assert claims for (i) Telephone Consumer Protection Act Company Specific (Internal) Do Not Call Violation; and (ii) Telephone Consumer Protection Act National Do Not Call Violation.

3. As set forth in more detail below, removal of the State Court Action to this Court is proper because this Court has jurisdiction over this action under 28 U.S.C. § 1331 (federal question jurisdiction), and all other requirements of 28 U.S.C. §§ 1441 and 1446 are satisfied.

FEDERAL QUESTION JURISDICTION

4. Under 28 U.S.C. § 1331, federal courts have original jurisdiction over any civil case “arising under the Constitution, laws, or treaties of the United States.” 28 U.S.C. § 1331.

5. Plaintiff’s Complaint falls squarely within this grant of jurisdiction because it includes claims under the TCPA, a federal statute. (Compl. ¶¶ 38-71).

The United States Supreme Court has made clear that federal question jurisdiction exists over claims asserted under the TCPA. *Mims v. Arrow Fin. Servs., LLC*, 132 S. Ct. 740, 747 (2012) (“Congress did not deprive federal courts of federal-question jurisdiction over private TCPA suits.”).

6. Because Plaintiff’s TCPA claims arise under the laws of the United States, this Court has original jurisdiction over that claim. 28 U.S.C. § 1331.

ALL OTHER REQUIREMENTS FOR REMOVAL ARE SATISFIED

7. In addition to the jurisdictional requirements discussed above, 28 U.S.C. §§ 1441 and 1446 also set forth certain procedural requirements with respect to removal. *See* 28 U.S.C. §§ 1441(a), 1446. As set forth below, Defendants have satisfied these requirements.

8. Venue is proper in this Court under 28 U.S.C. §§ 1441(a) and 90(a)(2) because the United States District Court for the Northern District of Georgia, Atlanta Division, is the federal judicial district and division embracing the State Court of DeKalb County, where the State Court Action was filed.

9. Defendants file this Notice of Removal within thirty (30) days of service of Plaintiff’s Complaint in the State Court Action. *See* 28 U.S.C. § 1446(b).

10. In accordance with 28 U.S.C. § 1446(a), Defendants attach as **Exhibit A** a copy of all process, pleadings, and orders served on Defendants in the State Court Action.

11. In accordance with 28 U.S.C. § 1446(d), Defendants will serve copies of this Notice of Removal on Plaintiff's counsel and file the same with the State Court clerk. A copy of the Notice of Filing of Notice of Removal is attached hereto as **Exhibit B**.¹

12. For these reasons, this Court has jurisdiction pursuant to 28 U.S.C. §§ 1331, and removal under 28 U.S.C. §§ 1441 and 1446 is proper.

This 21st day of February, 2020.

/s/ David B. Carpenter
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¹ By removing this action, Defendants do not waive, but expressly preserve any defenses with respect to the underlying state court action, including, but not limited to defenses related to venue and/or jurisdiction.

This 21st day of February, 2020.

/s/ Kristi Ramsay
Kristi Ramsay